IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 12523 of 2007(N)

PETITIONER:

A.BABU, VADAKKEPARAMBIL HOUSE,
RARICHAN ROAD, ERANHIPALAM, KOZHIKODE.

BY ADV. SRI.I.DINESH MENON

RESPONDENTS:
----

1. **THE STATE TRANSPORT APPELLATE TRIBUNAL**
   ERNAKULAM.

2. **THE REGIONAL TRANSPORT AUTHORITY,**
   MALAPPURAM.

3. **THE SECRETARY,**
   REGIONAL TRANSPORT AUTHORITY, MALAPPURAM.

BY GOVERNMENT PLEADER SRI. SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.12523/2007 N

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER.**

EXT.P2: **COPY OF THE TIME SCHEDULE ISSUED TO THE PETITIONER'S SERVICE DTD. 2/01/97.**

EXT.P3: **COPY OF THE ROUGH SKETCH OF THE ROUTE THRISSUR-KOZHIKODE.**

EXT.P4: **COPY OF THE DECISION OF THE RTA MALAPPURAM DTD. 29/05/2006.**

EXT.P5: **COPY OF THE DECISION OF THE RTA MALAPPURAM DTD. 23/09/2006.**

EXT.P6: **COPY OF THE LIST OF SERVICES ON THE ROUTE THRISSUR-KOZHIKODE.**

EXT.P7: **COPY OF THE REVISION MEMORANDUM IN MVARP NO. 553/2006 DTD. 20/11/06.**

EXT.P8: **COPY OF THE JUDGMENT IN MVARP.NO.553/2006 DTD. 5/02/2007.**

/TRUE COPY/

P.S.TO JUDGE

KSS

ANTONY DOMINIC, J.

= = = = = = = = = = = = = = = = =
W.P.(C) No. 12523 OF 2007 N
= = = = = = = = = = = = = = = = =

Dated this the 4th October, 2007

J U D G M E N T

Ext. P8 order of the 1st respondent is under challenge. Petitioner made an application for conversion of his existing LSOS into LSFP permit and that was declined by the 2nd respondent by Ext. P5. Ext. P7 revision was filed against Ext. P5 and the revision was also dismissed by Ext. P8. In Exts. P5 and P8, the reasons stated are the same. According to the Tribunal the conversion will make it more onerous to the passengers and the students will not be able to make use of the bus. Learned counsel makes reference to Ext. P4 proceedings of the 2nd respondent, where also a similar request was considered and was allowed. The reasons which are assigned in Ext. P4 and what is mentioned in Ext. P5 are contradictory. Therefore this matter requires to be reconsidered.

2. Accordingly, I quash Exts. P5 and P8. There will be a direction to the 2nd respondent to consider the petitioner's application and pass orders thereon at

any rate within a period of six weeks from the date of receipt of a copy of this judgment.

3. The writ petition is disposed of as above.

Petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 2nd respondent for compliance.

ANTONY DOMINIC
JUDGE

jan/-